

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claim 18 will have been amended. Moreover, Applicant expressly reserves the right to refile the subjected matter of claim 18 as previously presented in one or more continuing applications. Accordingly, claims 18 – 22 and 24 – 38 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has indicated that claims 37 and 38 are allowable, and has rejected claims 18 – 36 over the applied art of record. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Allowable Claims

Applicant gratefully acknowledges and agrees with the Examiner's indication that claims 37 and 38 are allowed.

Amendment to the Claims

By the present amendment, Applicant has amended independent claim 18 in order to address a formal matter and to recite a feature suggested by the Examiner in her remarks on page 9 of the pending Office Action that would overcome the rejection over SCHLIMME.

Traversal of Rejection Under 35 U.S.C. § 103(a)

1. Over Schlimme in view of Graff

Applicant traverses the rejection of claims 18 – 22, 24 – 32, 35, and 36 under 35 U.S.C. § 103(a) as being unpatentable over SCHLIMME (U.S. Patent No. 3,849,255) in view of GRAFF

et al. (U.S. Patent No. 2,933,435) [hereinafter "GRAFF"]. The Examiner asserts that SCHLIMME shows all of the recited elements of the claims except for a cylindrical space divided in a plurality of compartments by radial walls, but asserts it would have been obvious to do so in view of the disclosure of GRAFF. Applicant traverses the Examiner's assertions.

While Applicant does not acquiesce that the embodiments of the invention recited in claims 18 – 22, 24 – 32, 35, and 36 are rendered obvious by any proper combination of SCHLIMME in view of GRAFF under 35 U.S.C. § 103(a), in an effort to advance prosecution, Applicant has amended independent claim 18 to include the subject matter identified by the Examiner that would distinguish the claims over the applied art of record. However, as this amendment is presented to expedite examination of this application, Applicant has expressly reserved the right to refile the subject matter of at least independent claim 18 as previously presented in one or more continuing applications.

As noted above, on page 9 of the pending Office Action, the Examiner suggested "amending claim 18 to include the limitation requiring both the supply and discharge channels extending within the central opening . . . to overcome the rejection over SCHLIMME." Therefore, in accordance with the Examiner's suggestion, independent claim 18 has been amended to recite, *inter alia*, each of the perpendicular channels is allocated to a respective supply channel or a respective discharge channel, *and both the supply channels and discharge channels extend within the central cylindrical space*.

As independent claim 18 has been amended in accordance with the Examiner's suggestion, Applicant submits that the pending rejection is now moot and should be withdrawn. Further, while the Examiner's remarks only identified SCHLIMME, Applicant notes that GRAFF likewise fails to disclose or suggest that both the supply and discharge channels extend

within a central cylindrical space, as now recited in at least independent claim 18. In particular, as shown in Figs. 1a and 2, air is supplied to central air passage 23 by blower 45, and the air is redirected at a bottom of central air passage 23 through various air uptake passages to supply air to grain in the bins 171, 175. Thus, Applicant submits that, as it is apparent from GRAFF's disclosure that there are no elongated channels arranged in the central opening 23 to extend over an entire height of the stories nor is there any suggestion of the space being divided to define channels as segmented cross-sections separated from each other by radial intermediate walls, i.e., the radial walls of GRAFF are located *outside* of central air passage 23.

Still further, Applicant notes that, like SCHLIMME, GRAFF fails to arguably disclose or suggest each of the perpendicular channels is allocated to a respective supply channel or a respective discharge channel, *and both the supply channels and discharge channels extend within the central cylindrical space*, as recited in at least independent claim 18, as now amended.

Because both applied document of record fails to expressly or impliedly disclose or even suggest the above-noted features of at least independent claim 18, Applicant submits that no proper combination of these documents can render unpatentable the embodiments of the invention recited in at least independent claim 18. Therefore, Applicant requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a) and indicate that rejections are now moot.

Applicant submits that claims 19 – 22, 24 – 32, 35, and 36 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that SCHLIMME in view of GRAFF fails to render obvious under 35 U.S.C. § 103(a) the embodiments of the invention recited in claims 19 – 22, 24 – 32, 35, and 36.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 18 – 22, 24 – 32, 35, and 37 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

2. Over *Schlimme* in view of *Neubert*

Applicant traverses the Examiner's rejection of claims 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over SCHLIMME (U.S. Patent No. 3,849,255) in view of NEUBERT (U.S. Patent No. 3,370,846). While acknowledging that SCHLIMME fails to show another supporting floor for drying below the lowermost supporting floor, the Examiner asserts it would have been obvious to do so in view of the disclosure of NEUBERT. Applicant traverses the Examiner's assertions.

Applicant initially notes that, on its face, this rejection is improper and should at the very least be reformulated to include GRAFF. That is, as claims 33 and 34 depend from independent claim 18, these claims include the subject matter of claim 18. Therefore, the documents previously utilized by the Examiner to reject the subject matter of claim 18 should again be utilized in an appropriate action of claims 33 and 34.

Further, Applicant notes that NEUBERT fails to disclose or even suggest the subject matter noted above as deficient in SCHLIMME (or GRAFF). In particular, Applicant notes that, as NEUBERT fails to even arguably show each of the perpendicular channels is allocated to a respective supply channel or a respective discharge channel, *and both the supply channels and discharge channels extend within the central cylindrical space*, as recited in at least independent claim 18, this document cannot even arguably suggest any manner for modifying the central cylinder stack of SCHLIMME (with or without GRAFF) under 35 U.S.C. § 103(a). Thus, Applicant notes that no proper combination of SCHLIMME (in view of GRAFF) in view of

NEUBERT can render obvious under 35 U.S.C. § 103(a) the embodiments of the invention recited in at least independent claim 18.

Further, Applicant submits that claims 33 and 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of SCHLIMME (in view of GRAFF) in view of NEUBERT can render unpatentable the combination of features recited in claims 33 and 34.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 33 and 34 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

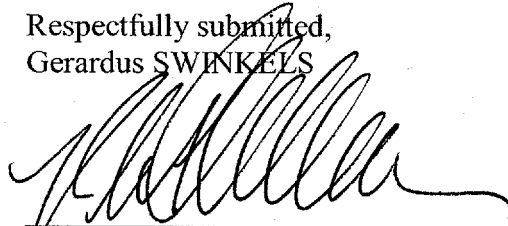
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 18 – 22 and 24 – 38. The applied references of record

have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Gerardus SWINKELS



Neil F. Greenblum
Reg. No. 28,394

Robert W. Mueller
Reg. No. 35,043

July 15, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191